

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

August 22, 1979

Donna T. Mundy  
External Affairs Associate  
Union Mutual Life Insurance Company  
Portland, Maine 04112

Dear Ms. Mundy:

Attorney General Cohen has referred your letter of July 19, 1979, to me for answer. While we are not authorized to render formal opinions to private citizens who seek them, we are enclosing herewith an opinion of the Attorney General dated March 16, 1973, dealing with the general rules regarding conflict of interest. As you will note in the opinion, the distinction drawn by the courts is that between judicial or administrative acts and legislative acts. Acts considered to be quasi-judicial or administrative in nature are subject to the rules of conflict of interest, while legislative acts appear not to be.

While this is not to be considered a formal opinion of this office, a brief review of legal authorities on the issue of State or municipal officers who are also employees of private corporations suggests, by the very lack of authority, that there is no conflict of interest when a person employed by a corporation becomes a member of the Legislature. Opinions of this office dated March 8, 1972 and June 12, 1973, copies of which I enclose herewith, indicate that there is no bar, for example, to a person who is an officer of a corporation becoming a member of the Legislature nor to a legislator's corporation holding state contracts. Applying these principles to the question posed by your letter, it would appear a fortiori that there is no bar to a corporation's providing a paid leave of absence to an employee for purposes of that employee's serving in the Legislature.

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Finally, while the resolution of the Legislature dated June 8, 1979, a copy of which you included in your letter to us, does not have the force of law, it indicates the Legislature's intent in this area.

I hope that this brief letter addresses the concerns which you have raised in your request for an opinion.

I am

Very truly yours,

PAUL F. MACRI  
Assistant Attorney General

PFM/ec  
Enclosures